

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  <b>TRANSMITTAL LETTER TO THE UNITED STATES</b> <b>DESIGNATED/ELECTED OFFICE (DO/EO/US)</b> <b>CONCERNING A FILING UNDER 35 USC 371 AND 37 CFR 1.491</b>		ATTORNEY DOCKET NO.  212691 U.S. APPLICATION NO. 09/913,924 PRIORITY DATE CLAIMED 26 FEBRUARY 1999 (25.02.99)
INTERNATIONAL APPLICATION NO. PCT/US00/04915	INTERNATIONAL FILING DATE 25 FEBRUARY 2000 (25.02.00)	
TITLE OF INVENTION <b>COMPOUNDS, COMPOSITIONS, AND METHODS FOR PHOTODYNAMIC THERAPY</b>		
APPLICANT(S) FOR DO/EO/US <b>ZALESKI, Jeffrey M.; RAWAT, Diwan Singh</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 USC 371 and 37 CFR 1.491.		
2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 USC 371 and 37 CFR 1.491.		
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 USC 371(f)).		
4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).		
5. <input type="checkbox"/> A copy of the International Application as filed (35 USC 371(c)(2)) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul>		
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 USC 371(c)(2)).		
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3)) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul>		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)).		
9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 USC 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).		
11. Nucleotide and/or Amino Acid Sequence Submission <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Computer Readable Form (CRF)</li> <li>b. Specification Sequence Listing on:             <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</li> <li>ii. <input type="checkbox"/> Paper Copy</li> </ul> </li> <li>c. <input type="checkbox"/> Statement verifying identity of above copies</li> </ul>		
<b>Items 12 to 19 below concern other document(s) or information included:</b>		
12. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. <ul style="list-style-type: none"> <li><input type="checkbox"/> Form PTO-1449</li> <li><input type="checkbox"/> Copies of Listed Documents</li> </ul>		
13. <input type="checkbox"/> An assignment for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
14. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.		
15. <input type="checkbox"/> A substitute specification.		
16. <input type="checkbox"/> A change of power of attorney and/or address letter.		
17. <input type="checkbox"/> Application Data Sheet Under 37 CFR 1.76		
18. <input checked="" type="checkbox"/> Return Receipt Postcard		
19. <input checked="" type="checkbox"/> Other items or information: Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); Copy of Front Page of International Publication WO 00/50117; Copy of Request Under PCT Rule 92 bis and Executed PCT Power of Attorney; Copy of Notification of the Recording of a Change from International Bureau of WIPO; Statement Regarding Sequence Listing		

U.S. APPLICATION NO. 09/913,924		INTERNATIONAL APPLICATION NO. PCT/US00/04915		ATTORNEY DOCKET NO. 212691	
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20. <input type="checkbox"/> The following fees are submitted: <b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1,040.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$ 890.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO, but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$ 740.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$ 710.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1) to (4) ..... \$ 100.00				CALCULATIONS    •    PTO USE ONLY	
ENTER APPROPRIATE BASIC FEE AMOUNT=				\$	
Surcharge of \$130.00 for furnishing the National fee or oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	-20=		x \$ 18.00	\$	
Independent Claims	- 3 =		x \$ 84.00	\$	
<input type="checkbox"/> Multiple Dependent Claim(s) (if applicable)			+\$280.00	\$	
TOTAL OF ABOVE CALCULATIONS=				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL=				\$	
Processing fee of \$130.00 for furnishing English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date.				\$	
TOTAL NATIONAL FEE=				\$	
Fee for recording the enclosed assignment. The assignment must be accompanied by an appropriate cover sheet. \$40.00 per property				+	\$
TOTAL FEE ENCLOSED=				\$0.00	
				Amount to be: refunded	\$
				charged:	\$

- a. ☐ A check in the amount of \$            to cover the above fee is enclosed.
- b. ☐ Please charge Deposit Account No. 12-1216 in the amount of \$            to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 12-1216. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer Number: 23460



**23460**

PATENT TRADEMARK OFFICE

Salim A. Hasan, Registration No. 38,175  
 One of the Attorneys for Applicant(s)

Date: December 6, 2001

U.S. APPLICATION NO.  
09/913,924

INTERNATIONAL APPLICATION NO.  
PCT/US00/04915

ATTORNEY DOCKET NO.  
212691

**CERTIFICATION UNDER 37 CFR 1.10**

"Express Mail" Label Number: EL190835423US

Date of Deposit: December 6, 2001

I hereby certify that this express request to begin national examination procedures under 35 USC 371(f) of the International Patent Application referenced above, including all of the items listed thereon as enclosures, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to U.S. Patent and Trademark Office, Box PCT, Attention: DO/EO/US, P.O. Box 2327, Arlington, VA 22202.

Irina Mikitichuk

Printed Name of Person Signing:

I. Mikitichuk

Signature

PATENT  
Attorney Docket No. 212691

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Zaleski et al.

Application No. 09/913,924 ✓

Art Unit: Unassigned

Examiner: Unassigned

Filed: August 20, 2001

For: COMPOUNDS, COMPOSITIONS, AND  
METHODS FOR PHOTODYNAMIC  
THERAPY

**SUBMISSION TO ESTABLISH PRIOR RECEIPT IN THE DO/EO/US OF  
THE RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371**

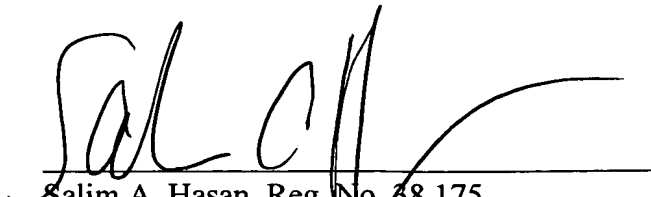
Attn: PCT Legal Office  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir

Applicants assert that the documents listed below were in fact deposited with the DO/EO/US on December 6, 2001, in response to the Notification Of Missing Requirements Under 35 U.S.C. 371. In support of Applicants' assertion, attached herewith are true copies of the documents deposited on December 6, 2001:

1. Transmittal Letter to the DO/EO/US Concerning a Filing Under 35 U.S.C. 371 with Certification under 37 C.F.R. § 1.10.
2. Response to Notification of Missing Requirements Under 35 U.S.C. 371.
3. Statement Regarding Sequence Listing.
4. Copy of Front Page of WO 00/50117.
5. Copy of Request dated August 17, 2001, Under PCT Rule 92<sup>bis</sup> requesting that Diwan Singh Rawat be added to the application as an inventor and Executed PCT Power of Attorney.
6. Copy of Form PCT/IB/306 Recording the addition of Diwan Singh Rawat as an inventor.
7. Copy of Express Mail Receipt dated December 6, 2001

Furthermore, the above documents verify that all 35 U.S.C. 371 requirements were fulfilled at the time of filing of the application. Therefore, it is believed that the filing date of this patent application should remain August 20, 2001.

  
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Salim A. Hasan, Reg. No. 38,175  
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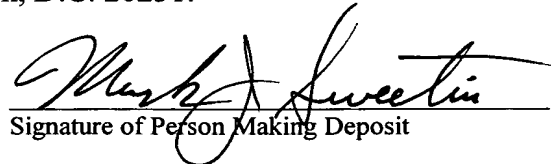
Date: October 29, 2002

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**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this correspondence and the documents referred to as attached or enclosed therein are being deposited with the United States Postal Service on October 29, 2002, in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10, Mailing Label Number EV065947819, addressed to: Box PCT, Attention: PCT Legal Office, Commissioner for Patents, Washington, D.C. 20231.

Mark J. Sweetin  
Printed Name of Person Making Deposit

  
Signature of Person Making Deposit